

Eric M. Dessen Assistant General Counsel Law Department

September 26, 2011

Via Certified Mail - Return Receipt Requested

U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center PO Box 979077 St. Louis, Missouri 63197-9000

Re:

In the Matter of Consolidated Edison Company of New York, Inc.

Docket Number TSCA-02-2011-9209

Dear USEPA:

In line with the instructions set forth in the Consent Agreement and Final Order for the above-referenced matter (the "CAFO"), a copy of which is attached, enclosed is a check made payable to the "Treasurer of the United States of America" in the amount of sixteen thousand eight hundred seventy-five dollars (\$16,875) settling all allegations set forth the CAFO.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eric Dessen

Eric Dessen

Enclosures

C: Via Federal Express
Ann Finnegan, USEPA
Regional Hearing Clerk, USEPA – Region



4 Irving Place, New York, NY 10003

CHECK NUMBER 0000301740

PAYEE CODE U2792

09/26/2011

PLEASE INDICATE CONSPICUOUSLY THIS UNIQUE CODE ON FUTURE INVOICES

Pick-Up Employee: Pick-Up Location: LILLOO-FRASER.A

4 IRVING PLACE M020

Check Number:

0000301740

ACCOUNTS PAY	YABLE				
Vendor Invoice Number	Vendor Invoice Date	Invoice Reference Number	Invoice Amount	Discount/Deductions	Total
TSCA02201A	09/21/2011	6848210	\$16,875.00		\$16,875.00
E. 8 9 F- 10					
		TOTAL ◆	\$16,875.00		\$16,875.00

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW



4 Irving Place, New York, NY 10003



The Bank of New York Mellon Pittsburgh, PA

PAYEE CODE U2792

0000301740 DATE 09/26/2011 60-160 433

VOID AFTER 6 MONTHS

PAY SIXTEEN THOUSAND EIGHT HUNDRED SEVENTY FIVE AND 00/100 DOLLAR.



\$*****16,875.00

TO THE ORDER OF TREASURER OF THE UNITED STATES C/O US EPA

FINES AND PENALTIES CINCINNATI FINANCE CTR PO BOX 979077 ST. LOUIS, MO 63197-9000 AUTHORIZED SIGNATURE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 2 2890 WOODBRIDGE AVE. EDISON, NEW JERSEY 08837

SEP 15 2011

CERTIFIED MAIL-RETURN RECEIPT REQUESTED · Article No. 7001 0320 0004 7789 6440

Mr. Randolph Price, Vice President Environmental Health & Safety Consolidated Edison Company of New York, Inc. 4 Irving Place New York, N.Y. 10003-3598

Re: In the Matter of Consolidated Edison Company of New York, Inc. Docket Number TSCA-02-2011-9209

Dear Mr. Price:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please note that the forty-five (45) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of the payment check is mailed to the EPA staff member listed in that section of the Agreement.

Please contact Ann Finnegan of my staff at (732) 906-6177 or by electronic mail at Finnegan.ann@epa.gov, should you have any questions regarding this matter.

Sincerely,

John Gorman, Chief

Pesticides and Toxic Substances Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 2

-----X

In the Matter of

Consolidated Edison Company of New York, Inc.,

Respondent.

Proceeding under Section 16(a) of the Toxic Substances Control Act. CONSENT AGREEMENT
AND
FINAL ORDER

Docket No. TSCA-02-2011-9209

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The Director of the Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, Region 2 (hereinafter "EPA" or "Complainant"), alleges that Consolidated

Edison Company of New York, Inc. (hereinafter "ConEd" or "Respondent") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and Respondent agree that settling this matter by entering into this CAFO pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. § 22.18(b)(2) and (3) is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

FINDINGS OF FACT

- 1. Respondent is Consolidated Edison Company of New York, Inc.
- 2. Respondent owns, operates, and/or controls the facilities in and around1640 White Plains Road (commonly known as the Van Nest site), Bronx, New York (hereinafter "Respondent's facility").
- 3. In a May 13, 2011 telephone call, and in subsequent submissions, Respondent disclosed to EPA that it had shipped PCB waste from Respondent's facility for disposal without identifying it as PCB waste on EPA Manifest Form 8700-22.
- 4. Complainant sent to Respondent a "Notice of Opportunity Related to Enforcement Action Under the Toxic Substances Control Act", which alleged the Respondent committed one violation of the regulations regarding manifesting of PCB waste.

CONCLUSIONS OF LAW

- 1. Respondent, as the owner and/or operator of the facilities which are the subject of this CAFO, is subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.
 - 2. Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.
- 3. Failure to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22 is a violation of 40 C.F.R. § 761.207(a), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e) and 2614(1)(C).

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall comply with, the following terms:

- Respondent shall hereinafter comply with all applicable provisions of TSCA and the regulations promulgated pursuant to it.
- 2. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section, above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.

3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of SIXTEEN THOUSAND EIGHT HUNDRED SEVENTY FIVE DOLLARS (\$16,875) to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Such check shall be mailed to:

U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center PO Box 979077 St. Louis, Missouri 63197-9000

Alternatively, payment may be made by Electronic Fund Transfer (EFT) directed to the Federal Reserve Bank of New York. Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- 3) Account: 68010727
- 4) ABA number: 021030004
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"
- 6) Name of Respondent
- 7) Docket Number

Payment must be <u>received</u> at the above address (or account of EPA) on or before **45 calendar days** after the date of the signature of the Final Order at the end of this document (the date by which payment must be received shall hereinafter be referred to as the "due date"). Promptly after payment has been made, Respondent shall send copies of this payment or furnish reasonable proof that such payment has been made to both:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007

and

Ann Finnegan Pesticides and Toxic Substances Branch 2890 Woodbridge Avenue, MS 105 Edison, New Jersey 08837

- a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice or the U.S. Department of the Treasury for collection.
- b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15 will be assessed for each 30-day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.
- 4. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities under the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq., and the regulations promulgated thereunder in 40 C.F.R. Part 761, that attach or might have attached as a result of the "Findings of Fact" section, above, and the allegations contained in the "Conclusions of Law" section, above. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

- 5. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.
- 6. Respondent hereby waives its right to seek or to obtain any hearing (pursuant to Subpart D of 40 C.F.R. Part 22) or other judicial proceeding on the assertions contained in the "Findings of Fact" section, above, and the allegations contained in the "Conclusions of Law" section, above, or on any allegations arising thereunder. Respondent further waives its right otherwise to contest all such assertions and/or allegations.
- 7. Respondent waives any right it may have pursuant to 40 C.F.R.§ 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator, the Deputy Regional Administrator, or the Regional Judicial Officer where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the Final Order.
- 8. This Consent Agreement does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations.
- 9. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all terms and conditions set forth in this Consent Agreement.
 - 10. Each party shall bear its own costs and fees in this matter.

11. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:	BY: Consolidated Edison Company of New York, Inc.
	NAME: Peter Garam (PLEASE PRINT)
	TITLE: Associate General Countel
	DATE: Prograt 31, 2011
COMPLAINANT:	Dore LaPosta, Director Division of Enforcement and Compliance Assistance U.S. Environmental Protection Agency, Region 2 290 Broadway New York, New York 10007
	5.00-00000

In the Matter of Consolidated Edison Company of New York, Inc. Docket Number TSCA-02-2011-9209

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in the case of <u>In the Matter of Consolidated Edison Company of New York, Inc.</u>, bearing Docket Number TSCA-02-2011-9209. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered into pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under Section 6 of the Toxic Substances Control Act, 15 U.S.C. § 2605 for purposes of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

DATE: September 12, 2011
Nel S Lemaza

Helen Ferrara

Regional Judicial Officer

U.S. Environmental Protection Agency, Region 2

290 Broadway

New York, New York 10007

In the Matter of Consolidated Edison Company of New York, Inc. Docket Number TSCA-02-2011-9209

CERTIFICATE OF SERVICE

This is to certify that on the \ 5 day of Jerum 11, I served a true and correct copy of the foregoing fully executed Consent Agreement and Final Order bearing Docket Number TSCA-02-2011-9209, by certified mail, return receipt requested, to:

Mr. Randolph Price, Vice President Environmental Health & Safety Consolidated Edison Company of New York, Inc. 4 Irving Place New York, N.Y. 10003-3598

On the same date, I mailed via EPA internal mail to the Region 2 Regional Hearing Clerk at 290 Broadway, New York, New York 10007 the original and one copy of the foregoing Consent Agreement and Final Order.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 2

DATE:

SEP - 9 2011

SUBJECT: In the Matter of Consolidated Edison Company of New York, Inc.

Docket No. TSCA-02-2011-9209

FROM: Dore Larosta, Director

Division of Enforcement and Compliance Assistance

TO: Helen Ferrara

Regional Judicial Officer

Attached please find a Consent Agreement and Final Order for your signature. Please sign it and return it to the Pesticides and Toxic Substance Branch, as indicated on the routing slip.

Attachment



Eric M. Dessen
Assistant General Counsel
Law Department

September 6, 2011

Via Federal Express

Ms. Ann Finnegan
U.S. Environmental Protection Agency - Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue – MS105
Edison, New Jersey 08837

Re: In the Matter of Consolidated Edison Company of New York, Inc.

Consent Agreement and Final Order

TSCA-02-2011-9209

Dear Ms. Finnegan:

In line with the instructions set forth in EPA's Notice of Opportunity with Respect to Action Under the Toxic Substances Control Act dated August 25, 2011, enclosed is Con Edison's signed Consent Agreement and Final Order ("CAFO") for the above-referenced matter.

Please have EPA sign the CAFO and return a fully executed copy to Con Edison. Upon receipt of the fully executed CAFO, Con Edison will make payment of sixteen thousand eight hundred and seventy-five dollars (\$16,875) to EPA in line with the terms of the CAFO.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eric Dessen

Eric Dessen

Enclosure

Enforcement Action Information Checklist/Concurrence Sheet

Enforcement Action Name: Consolidated Edison Company of New York, Inc.

Docket Number: TSCA-02-2011-9209

BRAN	CH CHIEF CHECKLIST								
- Case Accura	Yes	No							
	ll Business, Federal Facility, ations are included, as approp		nal Priority, EJ	Yes	No NA				
- Penal	ty Calculations have been re	viewed and are co	rrect	Yes	No / N.A.				
- Envir	onmental Benefit Calculation	ns have been revie	wed and are correct	Yes	No OWA				
- Comp	Yes	N.A.							
- Respo	ondent provided with IRS we	ebsite regarding SI	EP tax deductibility	Yes	No / N.A.				
- Check	box to indicate big case status:								
☐ Not a big case ☐ Complying action/ injunctive relief >= \$5 million									
	Penalty >= \$1 million	□ Pollutants redu	iced/treated >= 1 million	pounds					
	Volume of contaminated media	a addressed (VCMA	a) >= 1 million cubic yar	ds					
- Check	box to indicate SEP status or r	eason for exclusion:							
	SEP Included	☐ Administrative	Burden Expedi	ited Set	tlement				
	Increased Overall Cost	☐ Timing of SEP	Completion □ Can't i	dentify	a SEP				
	Small Environmental Staff	☐ Expiration of A	ALJ Deadline / Case Goir	ng to Li	tigation				
	Other (Explain)								
- Please	e explain if there is a reason EP	A does not want a S	EP be developed.						
Branch	Chief signature and date	2	8/15/11						
	0		01010						
	nformation, Penalty Calculation	A STATE OF THE STA	Developed by (signature and date)		ewed by ature and				
- Case Initiation and/or Case Conclusion Data Sheet(s) AP 8/2 Slow									
- Penalt	ty Calculations		AR 8/2	e	15				

Please return this sheet to Branch Chief after order is signed and dated.

- Environmental Benefit Calculations (including

"complying actions")

Administrative Case Initiation Data Form EA #: Date Entered: Draft ORC Branch: Complaint Stage Final (at time of submittal) Administrative Docket or Index TSCA-02-2011-9209 Number **Enforcement Action Name** ConEd - Van Nest site Additional Respondents, PRPs, or Defendants Site(s): Consolidated Edison **Enforcement Action Type** TSCA 16 Action for Penalty Primary Statute/Section Violated TSCA 6E - Poly Chlorinated Biphenyls (PCBs) Other Statutes/Sections **CFR Citations:** 761.207 **Priority Activity** □ Core Priority **EPA Lead Attorney EPA Program Contact** Ann Finnegan **DECA-PTSB-TS** (office) 732-906-61 Violation Type Violation of PCB rules Was this action taken in response to a violation found through an Inspection? ○ Yes ● No Was this a Multi-Media action? (check all that apply) ○ Yes ● No Was the Agency activity taken in response to Environmental Justice concerns?

Case Summary

ConEd disclosed to EPA that they had shipped PCBs without a manifest. The materials were disposed of at a TSCA facility. A show cause letter with CAFO was issued.

○ Yes ● No

● Yes ○ No.

Was Voluntary Disclosure Policy applied to this action?

Date of Disclosure 05/13/2011

Case Conclusion Data Sheet

Draft

EA #: Date Entered: ORC Branch:

Information				
Case and Facility Information Court or Administrative Docket or Index Number	TSCA-02-2011-9209			
Enforcement Action Name Additional Respondents, PRPs, or Defendants	ConEd - Van Nest site			
Site(s):	Consolidated Edison			
Enforcement Action Type Primary Statute/Section Violated	TSCA 16 Action for Penalty TSCA 6E - Poly Chlorinated E	Siphenyls (PCE	Зs)	
Other Statutes/Sections CFR Citations:	761.207			
Priority Activity	□ Core Priority			
EPA Lead Attorney EPA Program Contact	Ann Finnegan	DECA-PTSB-1	rs	(office) 732-906-6 ⁻ 77
Violation Type	Violation of PCB rules			
Was this action taken in response to Was this a Multi-Media action? (che Was the Agency activity taken in res Was Voluntary Disclosure Policy ap Date of Disclosure 05/13/2011 Was Alternative Dispute Resolution	eck all that apply) sponse to Environmental Justic plied to this action?		YesYesYesYesYes	No No No
was Alternative Dispute Resolution	used in this action?		∪ Yes •	NO
Conclusion Type Date of Final Order Lodging Date of Final Order Estimated Termination Date	Administrative Penalty Order			
Resolution Code	Final Order with Penalty			

Injunctive Relief

Injunctive Relief/Complying Action

Direct Action to Reduce, Eliminate, or Treat Pollutants

Direct Environmental

Cost\$0.00

Reduction

Preventative Actions to Manage Waste Streams or Prevent Releases/Exposures

•			
Preventative	Disposal Change		Cost\$1,000.00
Pollutant PCB contaminated soil	Media Soil	Amount	Units 30 Cubic Yards (yd3)
Facility Management or	Facility Management or	Information Practice	0
Facility Management or Information Practice	Recordkeeping		Cost\$100.00
	Quantitative Enviro	nmental Impact	
SEP		Manager and the second	
SEP			
SEP(s)			
View: SEPsByPa	rentUNID		
Penalty			
Penalty			
Final Assesed Penalty (NEPA	lot including value of any SEP \$16,875.00)	
State and Local Governm			
	enter the Federal amounts by s	statute:	
Statute			Amour
Cost Recovery			
CERCLA Cost Recovery			
Amount of cost recover a EPA	warded \$0.00		
State and Local Government	V. W. C. P. C.		
Summary			
Case Summary			
	hat they had shipped PCBs wi cause letter with CAFO was		e materials were disposed of
Self Disclosure			
Self Disclosure Information	n		
Disclosure under Audit Po			
Disclosure under EPA's S Business Policy?	mall ○ Yes • No		

Milestones			
DATES Milestones: DECA tracks that need to be tracked in DATES, poes this action have DATES miles	If this action has milestones		
Description	Frequency	Page Due	
			7
			-

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY **REGION 2**

DATE:

AUG 22 2011

SUBJECT:

In the Matter of Consolidated Edison Company of New York, Inc. Docket No. TSCA-02-2011-9209

FROM:

Henry Mazzucca, Chief

Toxics Section

TO: John Gorman, Chief

Pesticides and Toxic Substances Branch

Attached please find a Consent Agreement and Final Order for your signature. This is part of a consolidated action taken pursuant to our Consolidated Rules of Practice (40 C.F.R.§ 22.18(b)(2) and (3)) which provide that a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint. This Consent Agreement will commence and settle an enforcement action against the above-referenced party under Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a).

The Respondent, Consolidated Edison Company of New York, Inc. (ConEd) of New York, New York, is the owner of a facility that has owned, used and maintained, stored, or disposed of PCBs and/or PCB Items. On May 13, 2011, ConEd disclosed to EPA that they failed to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22, in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a).

A Notice of Opportunity Related to Enforcement Action ("Notice") was issued in lieu of a Complaint and Notice of Opportunity for Hearing. In combination with issuance of the Notice, we included a Consent Agreement and Final Order in order to expedite settlement of this matter. Consistent with the provisions set forth in the appropriate penalty policies, and in order to reach an equitable settlement, in this Consent Agreement we proposed Respondent pay a penalty of \$16,875. The amount of the penalty was calculated in conformance with the "Guidelines for Assessment of Civil Penalties under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy", which was published on September 10, 1980 in the Federal Register (45 Fed. Reg. 59,770 (1980), and the "Polychlorinated Biphenyls (PCB) Penalty Policy" (April 9, 1990). Because this is an expedited settlement (issued and settled in one action), no discussion of Supplemental Environmental Projects was conducted. Respondent has agreed to the proposed penalty.

If this Consent Agreement and Final Order meet with your approval, please concur on it and forward it for signature. If you have any questions please call me.

Attachments

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



REGION 2 2890 WOODBRIDGE AVENUE EDISON, NEW JERSEY 08837-3679

AUG 25 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Article Number 7001 0320 0004 7789 6457

Mr. Randolph Price, Vice President Environmental Health & Safety Consolidated Edison Company of New York, Inc. 4 Irving Place New York, N.Y. 10003-3598

Re: Notice of Opportunity with Respect to Action Under Toxic Substances Control Act TSCA-02-2011-9209

Dear Mr. Price:

On or about May 13, 2011, a representative of Consolidated Edison Company of New York, Inc. ("ConEd") notified the U.S. Environmental Protection Agency ("EPA") Region 2 personnel that ConEd may have committed a violation of the Toxic Substances Control Act (TSCA) by shipping PCB waste for disposal without properly identifying it on a hazardous waste manifest. Additional information was provided to my staff subsequent to this notification.

Based on the information provided, EPA believes that ConEd is in violation of the regulations relating to polychlorinated biphenyls (PCBs), codified at 40 C.F.R. Part 761 and promulgated under authority of Section 6 of TSCA, 15 U.S.C. § 2605. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, EPA is authorized to commence civil administrative actions for the assessment of civil penalties for violations of the above cited regulations. Consistent with the provisions set forth in the Agency's Enforcement Response Policies for violations of TSCA, the EPA may seek a penalty of up to \$37,500 for each violation, on some occasions per use or per day.

Based upon the available information, EPA has tentatively determined that ConEd would be liable to the United States for one violation of the regulations at 40 C.F.R. Part 761 regarding manifesting of PCB waste. A more detailed description of the violation is included as an enclosure to this letter.

However, our Consolidated Rules of Practice, at 40 C.F.R. §22.13(b), now permit the simultaneous commencement and conclusion of a proceeding without the issuance of a complaint.

Any such settlement must be in conformance with the appropriate EPA Enforcement Response Policy and would include ConEd agreeing to pay a monetary penalty as part of a Consent Agreement and Final Order (CAFO). I am prepared to consider such an approach in this case, and hereby offer, subject to approval by EPA senior management, to settle this matter for \$16,875. For your convenience, I have enclosed a CAFO for your review. If you agree with this settlement offer, please sign the original provided and return it for further processing within twenty (20) days of receipt to the attention of Ms. Ann Finnegan at the following address:

United States Environmental Protection Agency - Region 2 Pesticides and Toxic Substances Branch 2890 Woodbridge Avenue - MS105 Edison, NJ 08837

A fully executed copy of this document will be mailed to you upon issuance.

If we are unable to reach an expeditious settlement, EPA is prepared to issue an Administrative Complaint in this matter. I have enclosed is a Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings for your consideration. The Consolidated Rules of Practice (40 C.F.R. Part 22) can be found on the EPA web site at www.epa.gov/oalj/rules.htm. The appropriate EPA penalty policy(s) can be found on the EPA website at http://cfpub.epa.gov/compliance/resources/policies/civil/tsca. If applicable, EPA's Supplemental Environmental Projects (SEP) Policy can be found on the EPA website at http://www.epa.gov/compliance/resources/policies/civil/seps/fnlsup-hermn-mem.pdf.

If you have any questions regarding the penalty determination or the settlement process, or would like to schedule a conference to further discuss this matter, please contact Ms. Finnegan at (732) 906-6177 or by electronic mail at finnegan.ann@epa.gov.

Sincerely,

John Gorman

Chief

Pesticides and Toxic Substances Branch

Enclosures

Enclosure

Violations

1. Failure to Manifest PCB Waste:

Pursuant to 40 C.F.R. § 761.207(a), Respondent was required to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22. Respondent was required to specify, for each bulk load of PCBs, the identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.

On or about May 10, 2011, ConEd sent approximately 6 roll-offs of waste from Con Ed's Van Nest facility in Bronx, New York to Clean Earth of New Jersey in South Kearny, New Jersey under Bill of Lading APV 062347. Upon receipt of the waste, Clean Earth sampled it and discovered that the waste in one of the roll-offs was contaminated with PCBs at approximately 228 parts per million. This PCB waste was not identified as such on EPA Manifest Form 8700-22 at the time of shipment.

On or about May 13, 2011, ConEd voluntarily self-disclosed the manifesting error to EPA.

draft Consent Agreement for unmanifested waste issue

Ann Finnegan to: DessenE

Cc: TEELINGT

07/08/2011 11:00 AM

Mr. Dessen,

per Mr. Teeling's request, I am forwarding you a draft copy of a Consent Agreement that EPA is proposing to settle a self-disclosed violation of the PCB manifesting rules. This violation was disclosed to us on or about May 13 by Mr. Teeling.

I am providing this document for your review and comment. Although these documents are pretty standard, you may propose minor changes if you feel it necessary to address your client's specific situation. You can email me a revised version (track changes please) or simply FAX a marked up version. Either way is fine.

Please contact me with any questions or concerns you may have. Since I understand that summer schedules are sometimes tough to coordinate, and several persons at ConEd may need to review this settlement, I will not specify a reply date. I simply ask that you get this back to me at your earliest convenience. Since there has been (and will not be) a complaint issued, we are not under any regulatory time restrictions.

Thank you for your attention to this matter. Ann Finnegan



ConEd CAFO 2011 CAFO .doc



United States Environmental Protection Agency

Ann M. Finnegan, TSCA Enforcement Coordinator
U.S. Environmental Protection Agency - Region 2
2890 Woodbridge Avenue (MS 105), Edison, NJ 08837
(732) 906-6177 phone (732) 321-6788 FAX finnegan.ann@epa.gov

6/16/11
to Tom Texling Con Ed
van NEST 1640 senite Plains Rd Bronx 1 Roll OFF 228 ppm others 2235 than 50 ppm show cause is probably good I send some into he will Forward to COUNSEL 2 weeks Response (July 4 valations, etc) FW: Con Edison - Unmanifested PCB Waste Shipment Teeling, Thomas

to:

Ann Finnegan 05/23/2011 04:34 PM

Cc:

James Haklar Show Details

Attached is the information which you requested regarding Con Edison's Unmanifested PCB soil shipment to Clean Earth of NJ, Inc. on 5/10/2011. A hard copy is being sent via Federal Express. As we discussed, a copy is being sent to Jim Haklar. Copies are also being sent to the NYS Department of Environmental Conservation's Region 2 and Albany offices.

Please contact me if you have any questions.

<<SKMBT_42011052313090.pdf>>

Thomas Teeling

Consolidated Edison Co. of NY, Inc.

4 Irving Place - Rm. 15NE

NYC, NY 10003

(212) 460-3770 – Office

(917) 417-5354 - Cell



Randolph S. Price Vice President Environment, Health & Safety

May 23, 2011

Ms. Ann Finnegan
US Environmental Protection Agency
Toxic Substances Section
Raritan Depot
2890 Woodbridge Avenue
Edison, NJ 08837-3679

Reference: Con Edison - Van Nest

Un-manifested PCB Waste Shipment Notification

Dear Ms. Finnegan,

This letter responds to the questions you posed and the documents you requested during your May 16, 2011 . telephone conversation with Con Edison's Tom Teeling. Based on initial sampling results, a rolloff (#130-20) of excavated soil from Con Edison Van Nest facility was transported as non-PCB waste using a non-hazardous waste manifest to Clean Earth of North Jersey, located at 105 Jacobus Avenue, South Kearny, NJ, 07032 (EPA TSCA ID Number: NJD991291105). Based on subsequent sampling at Clean Earth indicating the presence of ≥50 ppm (88.9 AND 228 ppm) PCBs in soil for that rolloff, a hazardous waste manifest was prepared and the rolloff was shipped to CWM Chemical Services, Inc. in Model City, NY. We actually shipped a total of 6 rolloffs to Clean Earth of North Jersey, All rolloffs were tested and only one rolloff (#130-20) contained >50 ppm PCBs, the other 5 rolloffs were all found to contain <50 ppm PCBs.

This event was self reported to USEPA and NYSDEC on May 13, 2011.

The documents attached are:

- A copy of the initial non-hazardous waste manifest for the referenced waste shipment. The original shipment date was May 10, 2011
- 2. A copy of the PCB analytical results for rolloff #130-20 as well as the results for the additional 5 rolloffs sent to Clean Earth of North Jersey (Initial and subsequent sample results).
- 3. A copy of the Hazardous Waste Manifest used to ship rolloff containing the PCB soils to CWM Chemical Services, Inc., Model City, NY, for ultimate disposal
- 4. The date on which Clean Earth initially notified Con Edison of the PCB >50 ppm was by email on May 12, 2011. A copy of the notification email is attached
- 5. The source of the contamination in the soils: We have no knowledge of any historic PCB usage or spills related to Con Edison equipment or activities in the area that was excavated. We reviewed historic photographs of the facility, and it appears blacktopping of the area predates 1985.

Con Edison will coordinate with EPA and DEC on the PCB cleanup of the excavation area associated with the finding of ≥50 ppm PCBs in the waste soil. Accordingly, we have initiated contact with James Haklar of your office, with whom we have worked on a remediation project at another Con Edison site. Con Edison would like to expedite this cleanup so that we can proceed with our planned construction project within the footprint of the excavation.

Please contact Tom Teeling at (212) 460-3770 or Bahi Elmiry at (212) 460-2278 if you have any questions or need any additional information.

Very Truly Yours,

Randolph S. Price

Cc: J. Haklar, USEPA

E. Robbins, NYSDEC, Albany

Kandolph Price

P. John, NYSDEC, Region 2

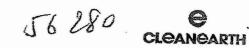
H. Hussein, NYSDEC, Region 2

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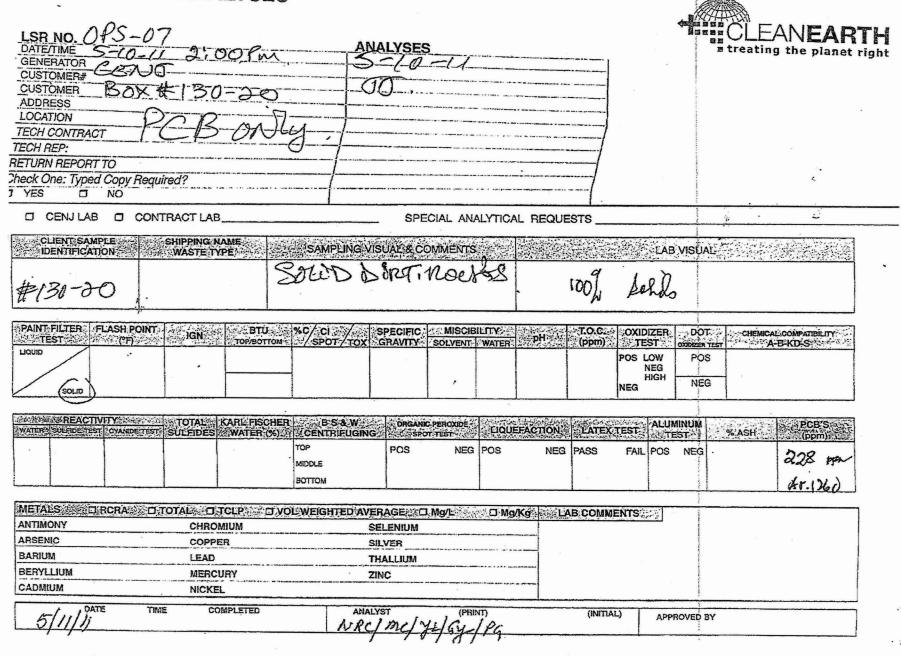
DISPOSAL STANDARDS FOR NEW YORK STATE REGULATED HAZARDOUS PCB WASTES

GENERATOR NAME: CON Edicion
MANIFEST: 0002625966BF PROFILE #: 001292
UNIQUE DRUM: OUT OF SERVICE DATE: 05 /10 /2011
TYPE OF PCB WASTE: [Ysoil []debris []oil []aqueous []large capacitors (check all that apply) []small capacitors []light ballasts []transformer []PCBs <50 ppm [YPCBs 50-500 ppm []PCBs >500 ppm
The following New York State regulated and land restricted wastes are subject to 6 NYCRR Part 376. Refer to 6 NYCRR 376.4(f) for New York land disposal requirements. Check all that apply:"
[]8001 []8002 []8003 []8004 []8005 []8006 []8007
Certification - Waste Meets Treatment Standards
I am the generator of the waste as identified above, that is restricted under 6 NYCRR Part 376. I have determined that this waste meets all applicable treatment standards set forth in 6 NYCRR 376 and, therefore, it can be land disposed without further treatment. Waste does not include solidified B002 material (liquid with PCBs 50-500 ppm)
I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that waste complies with the treatment standards specified in Part 376, Section 376.4 and all applicable prohibitions set forth in subdivision 376.3 (b) of Part 376 or RCRA Section 3004(d). I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification including the possibility of a fine or imprisonment.
Notification - Waste Does Not Meet Treatment Standards
[] I am the generator of a waste restricted under 6 NYCRR Part 376 as identified above. I notify that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this notification that the waste does not comply with the treatment standards specified in 6 NYCRR Part 376.4 (f). This waste must be treated to the applicable standard set forth in 6 NYCRR 376.4(f) prior to land disposal. GENERATOR'S SIGNATURE:
TITLE: SR. Scientist DATE: 05/17/2011



A./Q.C. REPORT#			Feste	E Smartet Greenet.			PAGE 1 of				
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Q CLEANEARTH

A./Q.C. REP	ORT#				Faster Smarter Greenet.								DATE/TIME/INITIALS 5-10-11 DYM					
ler/R.O.O./R.O.T		785	10							3-344-4004	\$ }			5_5_	10.	u a)\(\frac{1}{2}\)	
MANIFEST NO. A PYOG 2388						IME OF	SAMPLI	NG 5	10-				ES IN LAB	F/ /		1)- (1	
NERATOR C	477	FD			SAMPL	ER	Æ	M					COMPLETE			אן אנדו	ecpely.	
STOMER#					NO. OF	DRUMS	/GALS	100 U	ر			ENVL F	REVIEW	1/10/1	45ig	70	h	
ANSPORTER _			*		NO. OF	DRUMS	SAMP	ED (0			OPERA	TIONS REVI	EW L	<i>V</i>	4		
IVER					NO. OF	DRUMS	OVERF	PACKED	0			TRAILE	R# (AFTER C	QC)				
ACTOR						NO. OF							#					
SPOSAL SITE					SAMPL	ING CO	MOITION	IS: TEMP	7-2	°F (IN/OUTD	OORS	COMM	ENTS/NOTE	s			The state of the s	
TE/TIME ARRIVA	ا- كيا	0-11	13	3Pm						TDOORS								
LAB ANALYS (CHECK ON			OING STAB			OMING D			YARD OTHER:		TURN	NAROUND			1			
SAMPI - IDENTIFIC		SHIPPING	WASTE TYPE		ORUM	DM SIZE	DM	SAMPLING								ÇOL	. RO.	
DENTIFIC	THON	NAME	TAPE	N	ło_'(s)	SIZE	COND.	& COMME	NIS									
CON	5D_	NR	IDIT					_ D	127		U	ell Debais						
P.F. FLAS		BTU/gat	BTU/ib	- A C.	SPOT TOX	SP. GR.	MISCIL Solvent	Water	pH	T.O.C. (ppm)		CHEMICAL TOTAL SULFIDES Water Sulfide Cy. A - B - KD - S (PPM RANGE) Pos Neg Test T			Cyanide lest	PCB's (ppm)		
Liquid	1.																5-69	
									7						nee	near	10/	
Solid					Deep				+			Composib	le rog	7-1-1	0	0		
Karrisoher % Water	Oxidizer Spot	DOT	P	rganic eroxide	-0-	Lìqu	efaction	Late	x Yest	Aluminor	n Test	Acidity				strifuging		
7 1120	Test	, POS	NEG S	pot Test		POS	NEG	PASS	FAIL	POS	NEG	(mg CaCO ₃ /L)	Otto pp	70.131	TOP	MID	ВТМ	
						Base Topic con 1						}						
	- Pos	Der -	- V								V		DECEMBER					
							<u> </u>			-					ىرلى	<u></u>		
VISUAL: 0		Solids										A STATE OF THE STA		Mes	trup	Approva	Code	
VISUAL (after										Pri	ced F							
§	RC	CI TOTAL	O ICLP	- ow	OL WEIGHTED	AVG			Mg/L			ng/Kg			LAB COMME		707	
ANTIMONY		BERYLLIU			COPPER			NICKEL.				THALLIUM		PCB 5.	69 1994	- Ar-	1260	
ARSENIC CADMIUM BARIUM CHROMIUM				MERCURY			SELENIL			- 1	ZINC							
ALCOHOLD STREET	PROCESS OF STREET	CONTROL OF						Will be a second					MATRIC DISTRICT	actic company	No. 1811-1919		DISCOVER SERVICE	
Comments:																4	and the same	
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56 297

CLEANEARTH

A./Q.C. REPORT#_			Foster, Smorter, Greene	9t		PAGE 1 of						
ler/R.O.O./R.O.T./Tanker	81-72	115 Jacobus Ave., S	o. Kearny, NJ 070	032 (973-344-40	04)	DATE/TIME/INITIALS 5 (15-1) Dry						
NIFEST NO. A PV O	62-379	DATE/TIME OF SAM	MPLING 5-	10-01		SAMPLES IN LAB						
NERATOR DON	ton	SAMPLER	Ang.			WORK COMPLETED 5/10/11 MC/NRC/PG/44/G						
STOMER#		NO. OF DRUMS/G/)		ENVL. REVIEW THOMAS AT AND						
ANSPORTER A PV		NO. OF DRUMS SA		()		OPERATIONS REV	1 10	011.				
IVER		NO. OF DRUMS OF	VERPACKED _	0		TRAILER# (AFTER QC)						
ACTOR		TOTAL NO. OF SAM		1	The state of the s	DECAL#						
SPOSAL SITE		SAMPLING CONDI	TIONS: TEMP	L2 °F (IN/OUT	DOORS)	COMMENTS/NOT	ES					
TE/TIME ARRIVAL S	10-11 141B	WEATHER		OUTDOORS		• ; ;						
LAB ANALYSIS (CHECK ONE)	O OUTGOING STABILIZE O OUTGOING LIQUIDS	D INCOMING DRUM		ARD COTHER:	TURNAROUN		v v					
SAMPLE . IDENTIFICATION	SHIPPING WASTE NAME TYPE		DM SAMPLING VI					COLOR				
60N 6D	NR 1027			DIRT	, Que	L Debn	215					
P.F. FLASH IGN TEST PT. (°F) (Solids)	BTU/gal. BTU/lb	SPOT / SP. GR.	MISCIBILITY Water	pH T.O.C. (ppm)	CHE	MICAL TOTAL	L PEACHWITY	Coranida PCB's				
Liquid		TEST TOX . Solv	ANATOL MATER	fibrid	A-B	KD-S (PPM RAI	NGE) Water Suilide NGE) Pos Neg Test	Cyanide (ppm)				
Solid		reg		7	Com	polible re	g vrag	neg 6.71				
KarkEischer Spot % Water Spot Test	DOT Oxidizer Test Organic Peroxide POS NEG Spot Tes		on Latex T	est Aluminu FAIL POS I	m Test Acidity NEG (mg Car	Cr+6 ppm Ra	1 1	Wafter Centrifuging				
ρ-65	(pa)											
VISUAL: 100 /	Solids		n/	retril	Approval Code							
VISUAL (after centrifuging)				Pri	iced For:			, 2				
METALS: DIRC	LI TOTAL LI TOLP .	O VOL WEIGHTED AVG	амр	/L	□ Mg/Kg		LAB COMM	AB COMMENTS				
ANTIMONY	BERYLLIUM	COPPER	NICKEL	NICKEL			ACB 6.7	1 pg. Ar 126				
ARSENIC	CADMIUM	LEAD	SELENIUM	+	ZINC		1	. 11				
BARIUM	CHROMIUM	MERCURY	SILVER									
Comments:				WARED		A-7						
				שיייוניהש	L L	1						

56299

CLEANEARTH

.A./Q.C. REPORT	#				Past	r. Smarter, Gre	ener.	OFF -			PAGE 1	of			
ailer/R.O.O./PcO.T./Tanke	-20	115 Jacobus Ave., So. Kearny, NJ 07032 (973-344-4004)							DATE/TIME/INITIALS 5-10-11 A						
ANIFEST NO. APV Z	5	DATE/TIME OF SAMPLING 5 1						(* ·		LES IN LAB		- 1 - C - C - C - C - C - C - C - C - C			
ENERATOR CON	NO-2	SAMPLER								COMPLETE	D 5/10/	1/ /-	mola	porto	
JSTOMER#		NO. O	F DRUM	S/GAL\$	YDSY					REVIEW	1/10	139	m	My	
ANSPORTER LAPP	<u> </u>		NO. 0	F DRUM	SSAMP	LED_	0				ATIONS REV	IEW /	100		
RIVER			NO. 0	F DRUM	S OVER	PACKED	.0				ER# (AFTER				
ACTOR				NO. OF						DECA					
TE/TIME ARRIVAL	70-1	12321	SAMP WEATH	LING CO	MDITION	IS: TEMF	72	,°F (IN/OUTDO	ORS)	COMM	MENTS/NOTE	S			
LAB ANALYSIS (CHECK ONE)		OING STABILIZED OING LIQUIDS	O INC	OMING D	RUMS	0	YARD		JRNARO	OUND		*			
SAMPLE	SHIPPING	WASTE	DRUM	DM	DM	SAMPUNG			WHERE WELL						
IDENTIFICATION	NAME	TYPE	No.'(s) .	SIZE	COND.	& COMME								COL	OR
CONED	NZ	[CC[]				~	300			1) ()			. 17 6	m.
P.F. FLASH IGH	BTU/oal		(a)	1	MISCIE		102	<u> </u>	<u> </u>		2 volc 7	Je 6 18		4	C.
TEST PT. (°F) (Solid	dis)		CL SPOT TEST TOX	SP, GR.	Solvent	Water	pН	(ppm)	1	- B - KD - S	YOTAL SULFIDE (PPM RANG	S Water	Buiffide	(d) Cyanide	PCB's
										D-10-0	UPPM HAN	SE Pos Neg	Test	Cyanide Test	(ppm)
1/10			- \				7.						-		4.81
(Solid)			reg				T		Co	mpati	lely do	9	rog	Ney	As pr
Karl Phother Oxidize Spot		dizer Test Organic Peroxide	o i	Lique	efection	Latex	Test	Aluminum Te	st [- 1	<u> </u>	41444	BSav	V after Cent	. 20
Test	POS	NEG Spot Test		POS	NEG	PASS	FAIL	POS N		dity CaCO ₃ /L)	Cr+8 ppm Rang	9 % Ash	тор	MID	ВТМ
	-10-1	1.71		d		-	******								0100
P &	3 lev	V.				ļ						-	1		
VISUAL: 1007	olads	LL													
VISUAL (after centrifugin												Dhe	Rel	Approval I	Code
METALS: DIRC	g). G TOTAL	D. Vo. 6			-			Priced	For:		***************************************				
ANTIMONY		DTCLP OV	OL WEIGHTED /	AVG		Ом	g/L		Mg/Kg			L	AB COMMEN	ars	
ARSENIC	BERYLLIUM		COPPER			NICKEL			THALLIUM X			PCB 4.81 /spm			
- CALIMITAN			LEAD			SEI ENIUM			ZINC			As Ar: 1260			
EARLOW STATE OF THE STATE OF TH	CHROMIUM		MERCURY	Service and the		SILVER						13 171	1200		
Comments:			•								THE RESERVE OF THE PERSON NAMED IN	THE RESERVE OF THE PARTY OF THE			
	*														
											M A R Pin	n mar r	rist;		-
											ORAC ME	ION .	"		
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3	1.	And Applied	e	*						
		CLE	PANEARTH							
A./Q.C. REPORT#	45.00		ster Smarter Greenet.	PAGE						
ler/R.O.O./R.O.T./Tanker	116-20	115 Jacobus Ave., So. I	Cearny, NJ 07032 (973-344-400	DATE/TIME/INI	DATE/TIME/INITIALS 5-10-11 230/2					
NIFEST NO. 197	062387		ING 5-10-11	SAMPLES IN L	AB					
NERATOR Opri &	EDI COM	SAMPLER	An	WORK COMPL	ETED 5/10/11 MC/NRC					
STOMER#		NO. OF DRUMS/GALS		ENVL. REVIEW	1/40/4/11 PM					
INSPORTER APV		NO. OF DRUMS SAM		OPERATIONS I	REVIÉW					
VER		NO. OF DRUMS OVER		TRAILER# (AFT	ER QC)					
POSAL SITE		TOTAL NO. OF SAMP	ES	DECAL #						
E/TIME ARRIVAS - [0-11 2200		NS: TEMP 72 °F (INVOUTI		OTES					
LAB ANALYSIS	OUTGOING STABILIZE		DOORSOUTDOORS		- CANADA CONTRACTOR OF CONTRAC					
(CHECK ONE)	OUTGOING LIQUIDS	D INCOMING DRUMS D INCOMING BULK	O YARD O	TURNAROUND						
SAMPLE IDENTIFICATION	SHIPPING WASTE NAME TYPE	DRUM DM DM No.'(s) SIZE COND	SAMPLING VISUAL & COMMENTS		COLOR					
2			1							
CON ED	NKIDOT		DIAT. Kuch	L Delacis						
P.F. FLASH IGN TEST PT. (°F) (Solids)	BTU/gal. BTU/lb %	SPOT / SP. GR.	T.O.C.	CHEMICAL T	OTAL REACTIVITY PCE					
Liquid		TEST TOX Solvent	Water (ppm)	A-B-KD-S PPM	FIDES Water Sulfide Cyanide (ppn					
(Solid)		lea	J	- Composition	ver vegreg					
Kari Fleshre Oxidizer	DOT Oxidizer Test Organic	Liquefaction	L	<u> </u>	0 1 1 0 0					
% Water Spot Test	POS NEG Spot Test	POS 1 NEG	PASS FAIL POS	Acidity	ES & W after Centrifug					
		100 1100	Prios Pric Pos	NEG Img CaCOVL)	TOP MiD BT					
Pos)	ned 1									
VISUAL: 100%.	Solids	L.								
VISUAL (after centrifuging):		and the same of th	Pric	eed For:	hefrel Approval Code 6019					
METALS: URC	D TOTAL D TOLP	O VOL WEIGHTED AVG	D Mg/L	O Mg/Kg	LAB COMMENTS					
ANTIMONY	BERYLLIUM	COPPER	NICKEL	THALLIUM	DOL AND					
	CADMIUM	LEAD	SELENIUM	ZINC	- PUD B. TI APL ACI					
ARSENIC				And the second s						



Q.A./Q.C. REPORT#				PAG	E1 of								
Trailer/R.O.O./R.O.T./Tanker	152-20	115 Jacobus Ave.	73-344-400	DAT	E/TIME/IN	MALS _	5	10-1	1 3	And			
MANIFEST NO. APOVOL	2386	DATE/TIME OF S	SAMPLIN	NG 5	-10-	-(1	-	APLES IN L				. 7	5
GENERATOR CON FE	norm	SAMPLER	WO	RK COMPI	LETED .	5/10/	′/	NRCS	n/ 101				
CUSTOMER#		NO. OF DRUMS		L REVIEW		Filos	1:00	Pr	114				
TRANSPORTER A V		NO. OF DRUMS		RATIONS		21,1	11/10	-					
DRIVER		NO. OF DRUMS	NO. OF DRUMS OVERPACKED ©										
TRACTOR	TOTAL NO. OF S	AMPLE	s	_1			ILER# (AF	,					
DISPOSAL SITE		SAMPLING CON	DITIONS	S: TEMP	22	°F (IN/OUTD)		AMENTS/N	OTES				
DATE/TIME ARRIVAL 5 -1	0-11 112-1 Dr	WEATHER	INDO	ORS_		TDOORS_		l		***********			
LAB ANALYSIS (CHECK ONE)	OUTGOING STABILIZED OUTGOING LIQUIDS	ED INCOMING DR			YARD OTHER:		TURNAROUND	The second second			*		***************************************
SAMPLE	SHIPPING WASTE						The arrangement and the second street			. 1	7		
	SHIPPING WASTE NAME TYPE	DRUM DM No."(s) SIZE		SAMPLING & COMME					47.		· · ·	COL	OR
	NRIDES			a d	1125	SA-	ND R	450	Doh	MII			
P.F. FLASH IGN TEST PT. (°F) (Solids)	BTU/gal. ETU/lb	SPOT TOX SP. GR. S	MISCIBIL		Hq	T.O.C.	CHEMICAL	1	TOTAL		REACTIVITY		PC6's
Liquid		TEST TOX S	olvent 1	Water		(ppro)	A-8-KD-	S IPPA	A RANGE	Water Pos Neg	Suifide (Cyanide Tost	(ppm)
												1	.88
		- Low -			7		Combat	ill	ica_		real	near	_
Solid Oxidizor					1		Simple.	-	1		0		
Karl Rischer Oxidizer % Water Spot Test	DOT Oxidizer Test Organic Percodde			Lateo	k Tost	Aluminum '	ACIONY				BS&W	after Cent	irifuging
विद्य	POS NEG Spot Tes	PÓS	NEG	PASS	FAIL	POS	NEG (mg CaCO ₃ /L)	Cr+6 ppr	n Hange	% Ash	TOP	MIO	BTM
PES to							_/						
1/23 00	· ×									Len	Pal		
								- 10	7	10	T	~	
VISUAL: 100/	Solods	·							2	-		Approvai (Code
VISUAL (after centrifuging):						Price	d For:			4			7
	DITOTAL DITOLP	2 VOL WEIGHTED AVG		Q N	1g/L		D Mg/Kg	i		LA	B COMMEN	TS	
ANTIMONY	BERYLLIUM	COPPER		NICKEL			THALLIUM		\$C	B 1.	88 p	11.	
ARSENIC	CADMIUM	LEAD		SELENIUN	И		ZINC			×-120	20 6	pr	
BARIUM	CHROMIUM .	MERCURY		SILVER				1	– "				
Comments:					STATE OF STREET						42		
										S. A.	1		
								-					1
COCCUS							caten : m	-	THE REAL PROPERTY.	× 1	A		
						7	The sections		Tree.	4	P		
Page 1								0 1			/		
e e e e e e e e e e e e e e e e e e e												1	

LABORATORY ANALYSES

	7			j	
LSR NO. MPS-	28			**	
DATE/TIME COLO	-1/200-Pm1	ANALYSES	•		CLEANEART
GENERATOR CEA	17	5-10-01		<u> </u>	a treating the planet rig
CUSTOMER BANK	#162-0-	00			
ADDRESS	をしるから				
LOCATION Y					
TECH CONTRACT (2BONTU				
TECH REP: RETURN REPORT TO		<u></u>			
Check One: Typed Copy	Poguisado				
YES D NO	nequired?				*
O CENJLAB O					
D OCHUTAR D	CONTRACT LAB	SPECIAL	ANALYTICAL		
CLIENT SAMPLE	SHIPPING NAME	OI LOIAL	ANALYTICAL REC	QUESTS	1 U D W
DENTIFICATION	WASTE TYPE	SAMPLING VISUAL & COMM	TUTO CONTRACTOR	ANSIA DIN SALARA SALARA	
1000	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	WHY NESS	INIS CONTRACTOR	LAB VIS	SUAL STATE OF THE
152-20		OWD Dira, Ro	eks 1		120 120 12 12 10 10 10 10 10 10 10 10 10 10 10 10 10
1				1009 Solids	
PAINT FILTER FLASH P				, 20,000	
TEST PLASH P	OINT IGN BTU	CCC SPECIFIC MI	SCIBILITY		
nono	TOP/BOTTOM	SPOT TOX GRAVITY SOLV	ENT WATER PH		OT CHEMICAL COMPATIBILITY
				(Dage 4 a law oxide	A-B-KD-S
(SOLID)				NEG !	os .
				NEG HIGH N	EG
REACTIVITY WATER SULFIDE TEST CYANIDE	TOTAL KARL FISCHER			<u> </u>	
CYANIDE	TEST SULFIDES WATER (%)	B.S.& W. ORGANIC PEROXI CENTRIFUGING SPOT TEST	LIQUEFACTION	LATEX TEST ALUMINON	1/2
		00		TEST	% ASH PCB'S (ppm)
	·	IDDLE	EG POS NE	G PASS FAIL POS NEG	
	98	оттом .		The state of the s	1 1
METALS D RCRA					Ar.1260
NTIMONY	U TOTAL U TOLP U VOLV	VEIGHTED AVERAGE I Mg/L	CONTINUE OF STREET		1,00
RSENIC	A STATE OF THE PARTY OF THE PAR	SELENIUM	S mg/kg	AB COMMENTS	1
ARIUM :	COPPER LEAD	SILVER			
ERYLLIUM		THALLIUM		II) or the called	
ADMIUM	MERCURY	ZINC	~	100	
DATE				The state of the s	
5/1/11	TIME COMPLETED	ANALYST (P	RINT)	<u> </u>	
	1	NRC/mc/ 449		(INITIAL) APPROVED E	

Page 1 of 1 3/04/2011

3/04/2011 2/28/2011 2/28/2011

Date Approved:

Date Received:

Date Sampled:

Consolidated Edison Environment, Health and Safety ChemLab NY Lab ID No: 10380

Lab Sequence Number: 11-01587-001

Incident Number:

Chain of Custody ID: GG17463

Submitter: KENNETH COLLAZO

Job Site: VAN NEST YARD

Email To: COLLAZOK@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS@coned.com

Cc To: BELLOWSB@coned.com

DELAHOZE@coned.com

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

Results of Analysis

MATRIX: SOIL **GRAB**

DESCRIPTION: SOIL FROM SERVER FARM TEST PIT LOCATION: VAN NEST YARD SAMPLED: 11:45 AM 2/28/2011 QC ID: GC02-3/3/2011 12:56:54 PM

PCB THREE AROCLOR

RES	ULT UNI	T METHOD	
<	1.0 pm	EPA 608/8082	
<		EPA 608/8082	
<	1.0 ppm	EPA 608/8082	
	<	< 1.0 ppm < 1.0 ppm	< 1.0 ppm EPA 608/8082

ppm = mg/L = mg/Kgppb = ug/L = ug/Kg ppt = ng/L = ng/Kg --End of Report-- Approval Status: APPROVED

Approved By: Shakirat K Ameen Title: Specialist Results at: http://ilims

Page 1 of 5

3/07/2011

Consolidated Edison Environment, Health and Safety ChemLab NY Lab ID No: 10380

Lab Sequence Number: 11-01588-001

Incident Number: Chain of Custody ID: GG17463

Date Approved: Date Received:

3/07/2011 2/28/2011

2/28/2011 Date Sampled:

Submitter: KENNETH COLLAZO

Job Site: VAN NEST YARD

Email To: COLLAZOK@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS@coned.com

Cc To: BELLOWSB@coned.com

DELAHOZE@coned.com

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

Results of Analysis

MATRIX: SOIL GRAB
DESCRIPTION: SOIL FROM SERVER FARM TEST PIT

LOCATION: VAN NEST YARD

SAMPLED: 11:45 AM 2/28/2011 By: 01714

(TCLP) Full VOC Analysis by EPA 624/8260B/1311

1,1-Dichloroethene	TEST DESCRIPTION	REGULATORY LIMIT mg/L	RESULT	UNIT	METHOD
	1,2-Dichloroethane 1,4-Dichlorobenzene 2-Butanone Benzene Carbon Tetrachloride Chlorobenzene Chloroform Tetrachloroethene Trichloroethene		< 0.010 < 0.010 < 0.010 < 0.010 < 0.010 < 0.010 < 0.010 < 0.010 < 0.010	mg/L mg/L mg/L mg/L mg/L mg/L mg/L mg/L	SW1311/8260 SW1311/8260 SW1311/8260 SW1311/8260 SW1311/8260 SW1311/8260 SW1311/8260 SW1311/8260 SW1311/8260

Analyzed by: H2M LABS, INC.

ppm = mg/L = mg/Kg

ppb = ug/L = ug/Kg

ppt = ng/L = ng/Kg

Approval Status: APPROVED

Approved By: James P. Hendricks Title: Project Specialist

Page 1

Page 2 of 5

3/07/2011

Consolidated Edison Environment, Health and Safety ChemLab NY Lab ID No: 10380

Lab Sequence Number: 11-01588-002

Incident Number:

Chain of Custody ID: GG17463

Date Approved: 3/07/2011 Date Received: 2/28/2011 Date Sampled: 2/28/2011

Submitter: KENNETH COLLAZO

Job Site: VAN NEST YARD

Email To: COLLAZOK@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS@coned.com

CC To: BELLOWSB@coned.com|

DELAHOZE@coned.com/

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

Results of Analysis

MATRIX: SOIL

GRAR

DESCRIPTION: SOIL FROM SERVER FARM TEST PIT LOCATION: VAN NEST YARD SAMPLED: 11:45 AM 2/28/2011 By: 01714

(TCLP) Full SVOC Analysis by EPA 625/8270C/1311

TEST DESCRIPTION	REGULATORY LIMIT mg/L	RESULT	UNIT	METHOD
o-Cresol m,p-Cresol Hexachloroethane Nitrobenzene Hexachlorobutadiene 2,4,6-Trichlorophenol 2,4,5-Trichlorophenol Hexachlorobenzene Pentachlorophenol 1,4-Dichlorobenzene Pyridine		< 0.0100 < 0.0100 < 0.0100 < 0.0100 < 0.0100 < 0.0250 < 0.0100 < 0.0250 < 0.0100 < 0.0100 < 0.0100	mg/L mg/L mg/L mg/L mg/L mg/L mg/L mg/L	SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270

ppm = mg/L = mg/Kgppb = ug/L = ug/Kg ppt = ng/L = ng/Kg Approval Status: APPROVED

Approved By: James P. Hendricks Title: Project Specialist

Page 3 of 5 3/07/2011

Consolidated Edison Environment, Health and Safety ChemLab NY Lab ID No: 10380

Lab Sequence Number: 11-01588-003

Date Approved: 3/07/2011

Incident Number:

Date Received: Date Sampled:

Chain of Custody ID: GG17463

2/28/2011 2/28/2011

Submitter: KENNETH COLLAZO

Job Site: VAN NEST YARD

Email To: COLLAZOK@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS@coned.com

Cc To: BELLOWSB@coned.com

DELAHOZE@coned.com

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

of principal later new real life. And letter than the part was been as and total date and their real later and the

Results of Analysis

MATRIX: SOIL GRAB
DESCRIPTION: SOIL FROM SERVER FARM TEST PIT

LOCATION: VAN NEST YARD

SAMPLED: 11:45 AM 2/28/2011 By: 01714

(TCLP) RCRA Metals by EPA 200.7/200 Series/6010B/7000 Series

REGULATORY TEST DESCRIPTION RESULT UNIT LIMIT mg/L METHOD 5.00 < 1.00 Arsenic as As mg/L SW1311/6010 SW1311/6010 SW1311/6010 SW1311/6010 100.0 Barium as Ba < 10.0 mg/L 1.00 5.00 < 0.100 < 1.00 Cadmium as Cd mg/L Chromium as Cr mg/L < 1.00 mg/L Lead as Pb 5.00 SW1311/6010 < 0.000200 mg/L < 0.100 mg/L SW1311/7470 SW1311/6010 0.20 Mercury as Hg 1.00 Selenium as Se Silver as Ag 5.00 < 1.00 mg/L SW1311/6010

Analyzed by: H2M LABS, INC.

ppm = mg/L = mg/Kgppb = ug/L = ug/Kg ppt = ng/L = ng/Kg

Approval Status: APPROVED
Approved By: James P. Hendricks
Title: Project Specialist

Page 4 of 5 3/07/2011

Consolidated Edison Environment, Health and Safety ChemLab NY Lab ID No: 10380

Lab Sequence Number: 11-01588-004

Date Approved:

3/07/2011

Incident Number:

Date Received: 2/28/2011 Date Sampled: 2/28/2011

Chain of Custody ID: GG17463

Submitter: KENNETH COLLAZO Job Site: VAN NEST YARD

Email To: COLLAZOK@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS@coned.com

CC To: BELLOWSB@coned.com

DELAHOZE@coned.com

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

Results of Analysis

MATRIX: SOIL GRAB
DESCRIPTION: SOIL FROM SERVER FARM TEST PIT

LOCATION: VAN NEST YARD SAMPLED: 11:45 AM 2/28/2011 By: 01714

TPH - Dielectric/Diesel Fluid Range Organics Analysis by EPA 8100 (Modified)

TEST DESCRIPTION	RESULT	UNIT	METHOD	
DiChevrol Fluid 100 Cable Oil DiChevrol Fluid 500 Cable Oil Silicone Base Transformer Oil High Visc. Polybutene Cable Oil Low Visc. Polybutene Cable Oil Sun #4 Cable Oil Sun #6 Cable Oil	< 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4	mg/kg mg/kg mg/kg mg/kg mg/kg mg/kg	SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M	to the two
Sun #8 II Base Transformer Oil Petroleum Base Transformer Oil Gasoline Lubricating Oils	< 7.4 < 7.4 < 7.4 < 7.4 Page 4	mg/Kg mg/Kg mg/Kg mg/Kg	SW8100M SW8100M SW8100M SW8100M	

1	1-01588		
Kerosene #4 Fuel Oil #6 Fuel Oil Univolt 60 Transformer Oil Diesel Fuel Oil	< 7.4 < 7.4 < 7.4 < 7.4 < 7.4	mg/kg mg/kg mg/kg mg/kg mg/kg	SW8100M SW8100M SW8100M SW8100M SW8100M
Motor Oil JP4 (Aviation Fuel) Dielectric Fluid 100 Oil Feeder 38m06 Oil Feeder 37377 Oil Feeder 38R51 Oil	< 7.4 < 7.4 < 7.4 < 7.4 < 7.4	mg/kg mg/kg mg/kg mg/kg mg/kg	SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M
Feeder 38R52 011 Feeder E10(POOL) 011 Feeder 51 011 Feeder 55 011 Feeder Transformer 011	< 7.4 < 7.4 < 7.4 < 7.4 < 7.4	mg/kg mg/kg mg/kg mg/kg mg/kg	SW8100M SW8100M SW8100M SW8100M SW8100M
#2 Fuel Oil % Moisture Page 5 of 5 Consoli	< 7.4 9.4 dated Edison	mg/Kg wt%	SW8100M D2216 3/07/2011
Environment, Heal		ChemLab	
Lab Sequence Number: 11-01588-004Cont Incident Number: Chain of Custody ID: GG17463	tinued	Date Appro Date Received Date Samp	ved: 2/28/2011
Submitter: KENNETH COLLAZO Job Site: VAN NEST YARD Email To: COLLAZOK@coned.com EA-ChemLab Cc To: BELLOWSB@coned.com	Reports BQCHE	MLABRESULTS	Aconed.com
DELAHOZE@coned.com			
NOTE: The Submitter shall post and/or pr working with or in the vicinity of be reproduced, except in full, wit Test results are representative on	this substan hout the writ ly of submitt	ce. This rep ten consent ed samples.	ort shall not of EH&S.
Results of Analysis			
MATRIX: SOIL GRAB DESCRIPTION: SOIL FROM SERVER FARM TEST LOCATION: VAN NEST YARD SAMPLED: 11:45 AM 2/28/2011 By: 01	. = -	Ni dia ara and use	
TPH - Dielectric/Diesel Fluid Range Orga	nics Analysis	by EPA 8100	(Modified)
TEST DESCRIPTION	RESULT	UNIT	METHOD
TPH (Total Petroleum Hydrocarbons)	64	mg/Kg	SW8100M
774 AN			

TPH: NO MATCH WITH TARGETED SUBSTANCES. ELUTES WITHIN THE RANGE OF FDR E10(POOL)/FDR 37377/SUN $\,6\,$ CABLE OIL.

Analyzed by: H2M LABS, INC.

ppm = mg/L = mg/Kg ppb = ug/L = ug/Kg ppt = ng/L = ng/Kg --End of Report--

Approval Status: APPROVED
Approved By: James P. Hendricks
Title: Project Specialist
Results at: http://ilims

Bellows, Brian

From:

Collazo, Kenneth

Sent: To: Thursday, May 12, 2011 6:29 AM Bellows, Brian; McGrath, Nancy

Cc:

Floryshak, Joseph; Walsh, Michael M.

Subject:

PCB found in soil at Van Nest

Houston, we have a problem. Please read below. According Glen Burke of Allstate, the soil from the Server Farm excavation is contaminated. I was hoping one of you could be with me when I call him this morning. Please advise.

----Original Message----

From: gburke@aspvac.com [mailto:gburke@aspvac.com]

Sent: Thursday, May 12, 2011 6:04 AM

To: Collazo, Kenneth; sburke@aspvac.com; dmiller@aspvac.com

Subject: Re: Submitter: KENNETH COLLAZO LSN 11-01587

Ken

It is very important that you call me about the Van Ness boxes. They were sampled at the disposal facility and came back very high for PCB's (over 100ppm). I will call you first thing in the morning or you can call me at 917 217 8541. I

Glenn Burke

-----Original Message-----

To: Collazo, Kenneth
To: sburke@aspvac.com

Subject: Re: Submitter: KENNETH COLLAZO

Sent: May 5, 2011 7:22 AM

LSN 11-01587

Ken

I got called today for the Van ness job. I need information out of you. Can you call me at 917 217 8541?

Glenn Burke

----Original Message-----

From: Collazo, Kenneth

To: General Manager G BURKE

Subject: FW: Submitter: KENNETH COLLAZO

Sent: Apr 29, 2011 8:40 AM

LSN 11-01587

FYI

From: Ameen, Shakirat KSent: Friday, March 04, 2011 9:58 AMTo: Collazo, Kenneth; EA - Chem Lab Reports; dl - BQChemlabresultsCc: Bellows, Brian; Delahoz, EddySubject: Submitter: KENNETH COLLAZO LSN 11-01587

<<11-01587.txt>>

Sent from my BlackBerry® smartphone with Nextel Direct Connect



Randolph S. Price Vice President Environment, Health & Safety

May 23, 2011

Ms. Ann Finnegan
US Environmental Protection Agency
Toxic Substances Section
Raritan Depot
2890 Woodbridge Avenue
Edison, NJ 08837-3679

Reference: Con Edison - Van Nest

Un-manifested PCB Waste Shipment Notification

Dear Ms. Finnegan,

This letter responds to the questions you posed and the documents you requested during your May 16, 2011 telephone conversation with Con Edison's Tom Teeling. Based on initial sampling results, a rolloff (#130-20) of excavated soil from Con Edison Van Nest facility was transported as non-PCB waste using a non-hazardous waste manifest to Clean Earth of North Jersey, located at 105 Jacobus Avenue, South Kearny, NJ, 07032 (EPA TSCA ID Number: NJD991291105). Based on subsequent sampling at Clean Earth indicating the presence of ≥50 ppm (88.9 AND 228 ppm) PCBs in soil for that rolloff, a hazardous waste manifest was prepared and the rolloff was shipped to CWM Chemical Services, Inc. in Model City, NY. We actually shipped a total of 6 rolloffs to Clean Earth of North Jersey, All rolloffs were tested and only one rolloff (#130-20) contained ≥50 ppm PCBs, the other 5 rolloffs were all found to contain <50 ppm PCBs.

This event was self reported to USEPA and NYSDEC on May 13, 2011.

The documents attached are:

- A copy of the initial non-hazardous waste manifest for the referenced waste shipment. The original shipment date was May 10, 2011
- 2. A copy of the PCB analytical results for rolloff #130-20 as well as the results for the additional 5 rolloffs sent to Clean Earth of North Jersey (Initial and subsequent sample results).
- 3. A copy of the Hazardous Waste Manifest used to ship rolloff containing the PCB soils to CWM Chemical Services, Inc., Model City, NY, for ultimate disposal
- The date on which Clean Earth initially notified Con Edison of the PCB >50 ppm was by email on May 12, 2011. A copy of the notification email is attached
- 5. The source of the contamination in the soils: We have no knowledge of any historic PCB usage or spills related to Con Edison equipment or activities in the area that was excavated. We reviewed historic photographs of the facility, and it appears blacktopping of the area predates 1985.

Con Edison will coordinate with EPA and DEC on the PCB cleanup of the excavation area associated with the finding of \geq 50 ppm PCBs in the waste soil. Accordingly, we have initiated contact with James Haklar of your office, with whom we have worked on a remediation project at another Con Edison site. Con Edison would like to expedite this cleanup so that we can proceed with our planned construction project within the footprint of the excavation.

Please contact Tom Teeling at (212) 460-3770 or Bahi Elmiry at (212) 460-2278 if you have any questions or need any additional information.

Very Truly Yours,

Randolph S. Price

Cc: J. Haklar, USEPA

E. Robbins, NYSDEC, Albany

Kandolph Price

P. John, NYSDEC, Region 2

H. Hussein, NYSDEC, Region 2

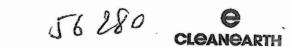
Straight Bill of Lading/ Nonhazardous Waste Manifest

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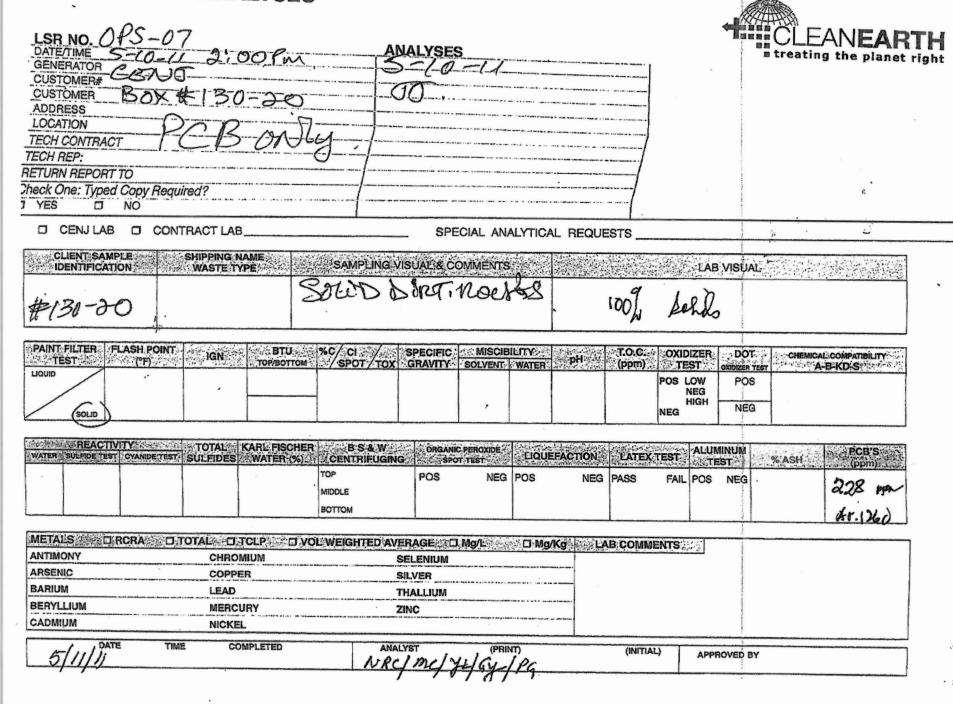
DISPOSAL STANDARDS FOR NEW YORK STATE REGULATED HAZARDOUS PCB WASTES

GENERATOR NAME: CON Edicion
MANIFEST: 0002625966BF PROFILE #: 001392
UNIQUE DRUM:OUT OF SERVICE DATE:05/10/2011
TYPE OF PCB WASTE: [Ysoil []debris []oil []aqueous []large capacitors (check all that apply) []small capacitors []light ballasts []transformer []PCBs <50 ppm [YPCBs 50-500 ppm []PCBs >500 ppm
The following New York State regulated and land restricted wastes are subject to 6 NYCRR Part 376. Refer to 6 NYCRR 376.4(f) for New York land disposal requirements. Check all that apply:"
[]B001 []B002 []B003 []B004 []B005 []B006 [JB007
Certification - Waste Meets Treatment Standards
I am the generator of the waste as identified above, that is restricted under 6 NYCRR Part 376. I have determined that this waste meets all applicable treatment standards set forth in 6 NYCRR 376 and, therefore, it can be land disposed without further treatment. Waste does not include solidified B002 material (liquid with PCBs 50-500 ppm)
I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that waste complies with the treatment standards specified in Part 376, Section 376.4 and all applicable prohibitions set forth in subdivision 376.3 (b) of Part 376 or RCRA Section 3004(d). I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification including the possibility of a fine or imprisonment.
Notification – Waste Does Not Meet Treatment Standards
[] I am the generator of a waste restricted under 6 NYCRR Part 376 as identified above. I notify that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this notification that the waste does not comply with the treatment standards specified in 6 NYCRR Part 376.4 (f). This waste must be treated to the applicable standard set forth in 6 NYCRR 376.4(f) prior to land disposal.
GENERATOR'S SIGNATURE: DULLE CHOUSE
TITLE: SR. Scientest DATE: 05/17/2011



Q.A./Q.C. REPORT#				Faster Smarter Greener.								PAGE	1 of				
frailer/R.O.O./R.O.T./Tanker	130-	-25		115 Jac	obus Ave			J 07032 (S	73.344.	1004)	DATE	4		5-10	-11	Au	-
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IDENTIFICATION	NAME	TYPE	No.'(s		SIZE	COND.	& COMM	ENTS			37			••	•	COLOR	1.00
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LABORATORY ANALYSES



CLEANEARTH

PAGE 1 of Q.A./Q.C. REPORT# DATE/TIME/INITIALS 115 Jacobus Ave., So. Kearny, NJ 07032 (973-344-4004) Trailer/R.O.O./R.O.T./Tanker DATE/TIME OF SAMPLING 5 - U-SAMPLES IN LAB MANIFEST NO. A PVOG 2388 WORK COMPLETED SAMPLER GENERATOR CON ENVL. REVIEW _ NO. OF DRUMS/GALS/YDS 100 CUSTOMER# _ **OPERATIONS REVIEW** NO. OF DRUMS SAMPLED ____ TRANSPORTER APY TRAILER# (AFTER QC) NO. OF DRUMS OVERPACKED (1) DRIVER DECAL # TOTAL NO. OF SAMPLES TRACTOR SAMPLING CONDITIONS: TEMP 7-2 °F (IN/OUTDOORS) COMMENTS/NOTES DISPOSAL SITE **OUTDOORS** WEATHER INDOORS DATE/TIME ARRIVAL LAB ANALYSIS OUTGOING STABILIZED INCOMING DRUMS O YARD **U TURNAROUND** (CHECK ONE) U OTHER: Q OUTGOING LIQUIDS INCOMING BULK DRUM SAMPLING VISUAL SAMPLE SHIPPING WASTE COLOR SIZE COND. & COMMENTS IDENTIFICATION NAME TYPE No.'(s) ROCK DebRIS D125 1027 SPOT TEST TOTAL CHEMICAL PCB's Sulfide TEST PT. (°F) (Solids) Solvent Water (ppm) (ppm) TOX A - B - KD - S 5.69 Composible 10-91 Lack Solid BS & W after Centrifuging Oxidizer DOT Oxidizer Test Organic Liquefaction Latex Test **Aluminum Test** Acidity Spot Cr+6 ppm Range % Water (mg CaCO₃/L) NEG Spot Tost POS PASS FAIL POS NEG MID POS NEG Poelper Approval Code VISUAL: 00% VISUAL (after centrifuging): Priced For: METALS: ORC O TOTAL Q TOLP CI VOL WEIGHTED AVG Q Mg/L □ Mg/Kg LAB COMMENTS 5.69 ppm Ar- 1260 THALLIUM ANTIMONY COPPER NICKEL. BERYLLIUM ARSENIC SELENIUM. ZING CADMIUM LEAD BARIUM SILVER CHROMIUM MERCURY Comments:

CLEANEARTH

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	NO. OF DRUMS/GALE/Y	ロシューレ		
	NO. OF DRUMS SAMPLE	D_ ()	OPERATIONS REVI	EW
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	rea	7	Campather 10	V ragy neep
DOT Oxidizer Test Organic				BS & W after Centrifuging
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DITOTAL DITOLP DIVO	DL WEIGHTED AVG	O Mg/L	Mg/Kg	LAB COMMENTS
BERYLLIUM	COPPER	NICKEL	THALLIUM	PCB 6.71 PR A1126
CADMIUM	LEAD	SELENIUM	ZING	Val. (1)
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		AND THE RESERVE OF THE PARTY OF		
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	DOT Oxidizer Test POS NEG DOT Oxidizer Test Pos NEG DOT Oxidizer Test Paroxida Spot Test DOT Oxidizer Test Paroxida Spot Test DOT Oxidizer Test Paroxida Spot Test	115 Jacobus Ave., So. Kea DATE/TIME OF SAMPLIN SAMPLER NO. OF DRUMS/GALEY NO. OF DRUMS OVERPA TOTAL NO. OF SAMPLES SAMPLING CONDITIONS WEATHER INDO UTGOING STABILIZED OUTGOING LIQUIDS UNCOMING BULK SHIPPING WASTE DRUM No.'(s) BTU/gal. BTU/jb 10 COPPER CADMIUM COPPER CADMIUM DATE DATE NO. OF SAMPLES SAMPLING CONDITIONS WEATHER INDO WEATHER SOLVENT TOTAL OF SAMPLES SAMPLING CONDITIONS WEATHER INDO UTGOING BULK NO. OF DRUMS OVERPA TOTAL NO. OF SAMPLES SAMPLING CONDITIONS WEATHER INDO WEATHER SOLVENT TOTAL SIZE COND. DOT Oxidizer Test Peroxide Peroxide Peroxide Peroxide Pos NEG DOT Oxidizer Test	SAMPLER NO. OF DRUMS/GALE/PD9720 NO. OF DRUMS SAMPLED NO. OF DRUMS OVERPACKED 20 TOTAL NO. OF SAMPLES SAMPLING CONDITIONS: TEMPTO 9F (INVOUTDOO WEATHER INDOORS OUTDOORS OUTGOING STABILIZED O INCOMING DRUMS OTHER: OUTGOING LIQUIDS OUTCOMING BULK OTHER: BRUPPING WASTE DRUM DM DM DM SAMPLING VISUAL COMMENTS NAME TYPE No. (s) SIZE COND. COMMENTS BRUPPING WASTE DRUM NO. (s) SAMPLING VISUAL COMMENTS BRUPPIN	115 Jacobus Ave., So. Kearny, NJ 07032 (973-344-4004) DATE/TIME OF SAMPLING COCC SAMPLES IN LAB WORK COMPLETE SAMPLER NO. OF DRUMS/GALEYOD ENVL. REVIEW O NO. OF DRUMS/GALEYOD OPERATIONS REVII NO. OF DRUMS OVERPACKED THAILER# (AFTER O TOTAL NO. OF SAMPLES DECAL # SAMPLING CONDITIONS: TEMPO OF (INVOLTDOORS) COMMENTS/NOTE WEATHER INDOORS OUTDOORS COMMENTS/NOTE WEATHER INDOORS OUTDOORS COMMENTS/NOTE OUTGOING STABILIZED DINCOMING BULK OTHER: COMMENTS/NOTE COMMENTS/NOTE DOTOMIC LIQUIDS COMPLES OUTDOORS COMMENTS/NOTE WEATHER NO. (18) SIZE COND. A COMMENTS DOTOMIC LIQUIDS COMPLES OUTDOORS COMMENTS DOTOMIC LIQUIDS COMPLES OUTDOORS COMMENTS/NOTE



A./Q.C. REPORT#		Faster, S	marter, Greener.	PAGE 1	of
ller/R.O.O./R.O.T./Tanker	99-20		rny, NJ 07032 (973-344-4004)	DATE/TIME/INITIA	15 5-10-11 DA
NIFEST NO. ADV 06	1220	DATE/TIME OF SAMPLIN		SAMPLES IN LAB	
NERATOR CON	5118-11N		SV	WORK COMPLET	ED 5/10/11 1:2 mc/APRC/P
STOMER#	041	NO. OF DRUMS/GALS/Y		ENVL. REVIEW _	Mie 10 Per
STOMER# ANSPORTER DOV		NO. OF DRUMS SAMPLE		OPERATIONS REV	
VER		NO. OF DRUMS OVERPA	CKED ()	TRAILER# (AFTER	(QC)
ACTOR		TOTAL NO. OF SAMPLES	SL		
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E/TIME ARRIVAL	D-11 12-32-K	WEATHER INDO	ORSOUTDOORS_		
LAB ANALYSIS	OUTGOING STABILIZED	☐ INCOMING DRUMS		JRNAROUND	
(CHECK ONE)	C) OUTGOING LIQUIDS	☐ INCOMING BULK	O OTHER:		
			SAMPLING VISUAL & COMMENTS		COLOR
			_		
CONED	NYZ IDST		D1021 ST	MD, Ruck	Deh BIA 12 8
P.F. FLASH IGN TEST PT. (°F) (Solide)		SPOT TOX SP. GR. MISCIBILI Solvent V	TY T.O.C.	CHEMICAL TOTA SULFIC	L POR
Liquid Pi. (*P) (Solids)	A	TEST TOX Solvent V	Vater (ppm)	A - B - KD - S (PPM RA	DES Water Sulfide Cyanide (ppm)
- /				·	1 1
		reg	17	C = 1 11/1 2	1 Nog 10ey 4.81
(Solid)		7		Compatible or	O As Ar
Kurl Placher Oxidizer Spot	DOT Oxidizer Test Organic Peroxide	Liquefaction	Latex Test Aluminum Te	Acidity Cr+6 ppm Re	BS & W after Centrifuging
Test	POS NEG Spot Test	POS NEG	PASS FAIL POS N	EG (mg CaCO ₃ /L) Cr+8 ppm FG	rige % Ash TOP MID BTM
~ /	1 1				
Posle	Dev V				
VISUAL: (00). Sola	nds				D here CApproval Code
VISUAL (after centrifuging);			Priced	l For:	
METALS: Q RC C	UTOTAL UTCLP QV	OL WEIGHTED AVG	C) Mg/L	Mg/Kg	LAB COMMENTS
ANTIMONY .	BERYLLIUM	COPPER	NICKEL	THALLIUM	* PCB 4.81 ppm
ARSENIC	CADMIUM	LEAD	SELENIUM	ZINC	As Ar: 1260
BARIUM	CHROMIUM	MERCURY	SILVER		13 /7. 1280
Comments:					
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BS & W after Centrifuging
ge % Ash TOP MID BTM
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6019
LAB COMMENTS
PC6 0.79 ppc 16.12

CLEANEARTH

Q.A./Q.C. REPORT#	Faste	r, Smarter, Greener	PAGE 1 o	
Trailer/R.O.O./R.O.T./Tanker 152-20	115 Jacobus Ave., So. Ke	earny, NJ 07032 (973-344-4004)	DATE/TIME/INITIAL	5-10-11 Am
MANIFEST NO. 40 062386	DATE/TIME OF SAMPLI		SAMPLES IN LAB	· Ann
GENERATOR CON EDISON	SAMPLER	Dom	WORK COMPLETED	5/10/11 NRC/m/PG
CUSTOMER#	NO. OF DRUMS/GALS/	603100	ENVL REVIEW	
TRANSPORTER A 3 V	NO. OF DRUMS SAMPI	ED D	OPERATIONS REVIE	
DRIVER	NO. OF DRUMS OVERF	ACKED &	TRAILER# (AFTER C	THE RESERVE THE PARTY OF THE PA
TRACTOR	TOTAL NO. OF SAMPLE		DECAL#	.0)
DISPOSAL SITE		IS: TEMP TO "F (IN/OUTDOO		•
DATE/TIME ARRIVAL 5-10-11 1127Am	WEATHER INDO	OORSOUTDOORS	JAS COMMENTATIONES	
LAB AVALYSIS DUTGOING STABILIZED DUTGOING LIQUIDS	INCOMING DRUMS INCOMING BULK	Q YARD Q TU	JRNAROUND	¥.C
SAMPLE SHIPPING WASTE				
SAMPLE SHIPPING WASTE TYPE	DRUM DM DM No.*(s) SIZE COND.	& COMMENTS	1: 0:	COLOR
PONED NR DET		DIE SAT	0 0 44 2	I-4
RF. FLASH IGN BTU/gal. BTU/lb % C	CE MISCIBI	LITY	D. Ruic De	REACTIVITY
TEST PT. (* F) (Solids)	SPOT TOX SP. GR. Solvent	Water pH (ppm)	A - B - KD - S (PPM RANG	Water Suifide Cyanide (ppm)
				1.88
		7	0 1 1210 1	
(Solid)	leg	7	Compatible leg	veg neg
Korf Riselfer Oxidizer DOT Oxidizer Test Organic Paraxide	Liquefaction	Latex Test Aluminum Tes		BS & W after Centrifuging
Tost POS NEG Spot Test	POS NEG	PASS FAIL POS NE	Acidity Crus non Paner	
0,1				101 810 378
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VISUAL: 100/ Solvey		January Landson, January Landson, Lands	b.	Approval Code
VISUAL (after centrifuging):		Priced	For	7,000
	OL WEIGHTED AVG		Mg/Kg	LAB COMMENTS
ANTIMONY BERYLLIUM	COPPER	NICKEL	THALLIUM S	EB 1.88 pm
ARSENIC CADMIUM BARIUM CHROMITIM	LEAD	SELENIUM	ZINC	Ar.1260
CHROMIUM .	MERCURY	SILVER		1280
Comments:				4
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LABORATORY ANALYSES

LSR NO. OPS-OE DATE/TIME 5-CO GENERATOR CENTOMER# CUSTOMER# BALL	8 2:00 P	AN S	ALYSES				CLEA s treating	NEART
ADDRESS LOCATION TECH CONTRACT TECH REP: RETURN REPORT TO Check One: Typed Copy Rec	BONLY							
	NTRACT LAB		SPECIAL AN	NALYTICAL REQU	JESTS			- 3
CLIENT SAMPLE DENTIFICATION	SHIPPING NAME WASTE TYPE	SAMPLING SO-WO	VISUAL & COMMENT DITCH, ROCK	s < S	1009 Se	LAB VISU	ĀĹ	
PAINT FILTER FLASH POINT TEST (°F)	IGN BTU		SPECIFIC MISCH GRAVITY SOLVENT	BILITY PH	T.O.C. OXII (ppm) TI	DIZER DO	resr A	L COMPATIBILITY B-KD-S
WATER SULFIDE TEST CYANIDE TEST	TOTAL KARL FISC SULFIDES WATER (HER BS&W	ORGANIC PEROXIDE	LIQUEFACTION	LATEX TEST	ALUMINOM		PCB'S
		MIDDLE BOTTOM	POS NEG	POS NEG		POS NEG	% ASH	(ppm) 15, 940 pp
METALS DIRCRA DI	TOTAL TCLP	VOL WEIGHTED AVE	RAGE D Mg/L	Contract Con				Ar.1260
ARSENIC		· s	ELENIUM	LA	B COMMENTS	N. V	. 15	34
BARIUM	COPPER	s	ILVER					
BERYLLIUM	MERCURY NICKEL		HALLIUM NC					
5/1/// DATE TIME	COMPLETED	ANALY NRC	ST (PRINT	7.0-	(INITIAL)	APPROVED BY		

1 of 1 Page

3/04/2011

Consolidated Edison Environment, Health and Safety ChemLab NY Lab ID No: 10380

Lab Sequence Number: 11-01587-001

Incident Number:

Chain of Custody ID: GG17463

Date Approved: 3/04/2011 2/28/2011 Date Received: Date Sampled: 2/28/2011

Submitter: KENNETH COLLAZO Job Site: VAN NEST YARD

Email To: COLLAZOK@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS@coned.com

Cc To: BELLOWSB@coned.com

DELAHOZE@coned.com

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

Results of Analysis

MATRIX: SOIL **GRAB**

DESCRIPTION: SOIL FROM SERVER FARM TEST PIT

LOCATION: VAN NEST YARD SAMPLED: 11:45 AM 2/28/2011 QC ID: GC02-3/3/2011 12:56:54 PM

PCB THREE AROCLOR

TEST DESCRIPTION	RESUL	T UNIT	METHOD
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~			
Aroclor 1242	< 1.0	0 22	EPA 608/8082
Aroclor 1254	₹ 1.0		EPA 608/8082
Aroclor 1260	< 1.0	P P	EPA 608/8082

ppm = mg/L = mg/Kgppb = ug/L = ug/Kg ppt = ng/L = ng/Kg --End of Report-- Approval Status: APPROVED

Approved By: Shakirat K Ameen Title: Specialist Results at: http://ilims

1 of 5 Page

3/07/2011

### Consolidated Edison Environment, Health and Safety ChemLab NY Lab ID No: 10380

Lab Sequence Number: 11-01588-001

Incident Number:

Chain of Custody ID: GG17463

Date Approved: 3/07/2011 Date Received: 2/28/2011 Date Sampled: 2/28/2011

Submitter: KENNETH COLLAZO Job Site: VAN NEST YARD

Email To: COLLAZOK@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS@coned.com

Cc To: BELLOWSB@coned.com

DELAHOZE@coned.com

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

Results of Analysis

MATRIX: SOIL GRAB
DESCRIPTION: SOIL FROM SERVER FARM TEST PIT
LOCATION: VAN NEST YARD
SAMPLED: 11:45 AM 2/28/2011 By: 01714

(TCLP) Full VOC Analysis by EPA 624/8260B/1311

REGULATORY TEST DESCRIPTION LIMIT mg/L RESULT UNIT -----< 0.010 mg/L Sw1311/8260
< 0.010 mg/L Sw1311/8260</pre> 1,1-Dichloroethene 1,2-Dichloroethane 1,4-Dichlorobenzene 2-Butanone Benzene Carbon Tetrachloride Chlorobenzene Chloroform Tetrachloroethene Trichloroethene Vinyl Chloride

Analyzed by: H2M LABS, INC.

ppm = mg/L = mg/Kg

ppb = ug/L = ug/Kgppt = ng/L = ng/Kg

Approval Status: APPROVED

Approved By: James P. Hendricks Title: Project Specialist

Page 1

Page 2 of 5

3/07/2011

Consolidated Edison Environment, Health and Safety ChemLab NY Lab ID No: 10380

Lab Sequence Number: 11-01588-002

Date Approved: Date Received:

3/07/2011 2/28/2011

Incident Number:

Chain of Custody ID: GG17463

Date Sampled:

2/28/2011

Submitter: KENNETH COLLAZO
Job Site: VAN NEST YARD
Email To: COLLAZOK@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS@coned.com
CC To: BELLOWSB@coned.com|

DELAHOZE@coned.com

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

Results of Analysis

MATRIX: SOIL **GRAB** 

DESCRIPTION: SOIL FROM SERVER FARM TEST PIT LOCATION: VAN NEST YARD SAMPLED: 11:45 AM 2/28/2011 By: 01714

(TCLP) Full SVOC Analysis by EPA 625/8270C/1311

TEST DESCRIPTION	REGULATORY LIMIT mg/L	RESULT	UNIT	METHOD
o-Cresol m,p-Cresol Hexachloroethane Nitrobenzene Hexachlorobutadiene 2,4,6-Trichlorophenol 2,4,5-Trichlorophenol Hexachlorobenzene Pentachlorophenol 1,4-Dichlorobenzene Pyridine		< 0.0100 < 0.0100 < 0.0100 < 0.0100 < 0.0100 < 0.0250 < 0.0100 < 0.0250 < 0.0100 < 0.0100 < 0.0100	mg/L mg/L mg/L mg/L mg/L mg/L mg/L mg/L	SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270 SW1311/8270

ppm = mg/L = mg/Kqppb = ug/L = ug/Kgppt = ng/L = ng/Kg Approval Status: APPROVED

Approved By: James P. Hendricks Title: Project Specialist

Page 3 of 5

3/07/2011

Consolidated Edison Environment, Health and Safety ChemLab NY Lab ID No: 10380

Lab Sequence Number: 11-01588-003

Incident Number:

Date Approved: 3/07/2011 Date Received: 2/28/2011 Date Sampled: 2/28/2011

Chain of Custody ID: GG17463

Submitter: KENNETH COLLAZO Job Site: VAN NEST YARD

Email To: COLLAZOK@coned.com EA-ChemLabReports BQCHEMLABRESULTS@coned.com

Cc To: BELLOWSB@coned.com

DELAHOZE@coned.com

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

#### Results of Analysis

MATRIX: SOIL

**GRAB** 

DESCRIPTION: SOIL FROM SERVER FARM TEST PIT

LOCATION: VAN NEST YARD

SAMPLED: 11:45 AM 2/28/2011 By: 01714

(TCLP) RCRA Metals by EPA 200.7/200 Series/6010B/7000 Series

REGULATORY LIMIT mg/L RESULT UNIT METHOD TEST DESCRIPTION 

 5.00
 < 1.00</td>
 mg/L
 SW1311/6010

 100.0
 < 10.0</td>
 mg/L
 SW1311/6010

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 SW1311/7470

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 < 0.100</td>
 mg/L
 SW1311/6010

 5.00
 < 1.00</td>
 mg/L
 SW1311/6010

 Arsenic as As Barium as Ba Cadmium as Cd Chromium as Cr Lead as Pb Mercury as Hg Selenium as Se Silver as Ag

Analyzed by: H2M LABS, INC.

ppm = mg/L = mg/Kg

ppb = ug/L = ug/Kgppt = ng/L = ng/Kg Approval Status: APPROVED

Approved By: James P. Hendricks Title: Project Specialist

Date Approved: 3/07/2011 Date Received: 2/28/2011 Date Sampled: 2/28/2011

Page 4 of 5

3/07/2011

### Consolidated Edison Environment, Health and Safety ChemLab NY Lab ID No: 10380

Lab Sequence Number: 11-01588-004 Incident Number:

Chain of Custody ID: GG17463

Submitter: KENNETH COLLAZO Job Site: VAN NEST YARD

Email To: COLLAZOK@coned.com | EA-ChemLabReports | BQCHEMLABRESULTS@coned.com | Cc To: BELLOWSB@coned.com |

DELAHOZE@coned.com

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

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### Results of Analysis

MATRIX: SOIL GRAB

DESCRIPTION: SOIL FROM SERVER FARM TEST PIT

LOCATION: VAN NEST YARD

SAMPLED: 11:45 AM 2/28/2011 By: 01714

### TPH - Dielectric/Diesel Fluid Range Organics Analysis by EPA 8100 (Modified)

TEST DESCRIPTION	RESULT	UNIT	METHOD	
DiChevrol Fluid 100 Cable Oil DiChevrol Fluid 500 Cable Oil Silicone Base Transformer Oil High Visc. Polybutene Cable Oil Low Visc. Polybutene Cable Oil Sun #4 Cable Oil Sun #6 Cable Oil Sun #8 II Base Transformer Oil Petroleum Base Transformer Oil Gasoline Lubricating Oils	RESULT	mg/kg mg/kg mg/kg mg/kg mg/kg mg/kg mg/kg mg/kg mg/kg	METHOD  SW8100M	
	Page 4			

Kerosene #4 Fuel Oil #6 Fuel Oil Univolt 60 Transformer Oil Diesel Fuel Oil Motor Oil JP4 (Aviation Fuel) Dielectric Fluid 100 Oil Feeder 38m06 Oil Feeder 37377 Oil Feeder 38R51 Oil Feeder 38R52 Oil Feeder E10(POOL) Oil Feeder 51 Oil Feeder 55 Oil Feeder Transformer Oil #2 Fuel Oil % Moisture Page 5 Of 5  Consolida Environment, Health	-01588 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 1.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4 < 7.4	mg/kg	SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M SW8100M
Lab Sequence Number: 11-01588-004Conti Incident Number: Chain of Custody ID: GG17463	inued	Date Receiv	/ed: 3/07/2011 /ed: 2/28/2011 led: 2/28/2011
Submitter: KENNETH COLLAZO Job Site: VAN NEST YARD Email To: COLLAZOK@coned.com EA-ChemLabF CC To: BELLOWSB@coned.com	Reports BQCHE	MLABRESULTS	Aconed.com
NOTE: The Submitter shall post and/or proworking with or in the vicinity of be reproduced, except in full, with Test results are representative only	this substan out the writ y of submitt	ce. This rep ten consent ed samples.	ort shall not of EH&S.
Results of Analysis			
MATRIX: SOIL GRAB DESCRIPTION: SOIL FROM SERVER FARM TEST P LOCATION: VAN NEST YARD SAMPLED: 11:45 AM 2/28/2011 By: 017			
TPH - Dielectric/Diesel Fluid Range Organ	ics Analysis	by EPA 8100	(Modified)
TEST DESCRIPTION	RESULT	UNIT	METHOD
TPH (Total Petroleum Hydrocarbons)	64	mg/Kg	SW8100M

TPH: NO MATCH WITH TARGETED SUBSTANCES. ELUTES WITHIN THE RANGE OF FDR El0(POOL)/FDR 37377/SUN 6 CABLE OIL.

Analyzed by: H2M LABS, INC.

ppm = mg/L = mg/Kg
ppb = ug/L = ug/Kg
ppt = ng/L = ng/Kg
--End of Report--

Approval Status: APPROVED
Approved By: James P. Hendricks
Title: Project Specialist
Results at: http://ilims

### Bellows, Brian

From:

Collazo, Kenneth

Sent: To: Thursday, May 12, 2011 6:29 AM Bellows, Brian; McGrath, Nancy Floryshak, Joseph; Walsh, Michael M.

Cc: Subject:

PCB found in soil at Van Nest

Houston, we have a problem. Please read below. According Glen Burke of Allstate, the soil from the Server Farm excavation is contaminated. I was hoping one of you could be with me when I call him this morning. Please advise.

----Original Message----

From: gburke@aspvac.com [mailto:gburke@aspvac.com]

Sent: Thursday, May 12, 2011 6:04 AM

To: Collazo, Kenneth; sburke@aspvac.com; dmiller@aspvac.com

Subject: Re: Submitter: KENNETH COLLAZO LSN 11-01587

Ken

It is very important that you call me about the Van Ness boxes. They were sampled at the disposal facility and came back very high for PCB's (over 100ppm). I will call you first thing in the morning or you can call me at 917 217 8541. I

Glenn Burke

-----Original Message-----

To: Collazo, Kenneth
To: sburke@aspvac.com

Subject: Re: Submitter: KENNETH COLLAZO

LSN 11-01587

Sent: May 5, 2011 7:22 AM

Ken

I got called today for the Van ness job. I need information out of you. Can you call me at 917 217 8541?

Glenn Burke

-----Original Message-----From: Collazo, Kenneth To: General Manager G BURKE

Subject: FW: Submitter: KENNETH COLLAZO

LSN 11-01587

Sent: Apr 29, 2011 8:40 AM

FYI

From: Ameen, Shakirat KSent: Friday, March 04, 2011 9:58 AMTo: Collazo, Kenneth; EA - Chem Lab Reports; dl - BQChemlabresultsCc: Bellows, Brian; Delahoz, EddySubject: Submitter: KENNETH COLLAZO LSN 11-01587

<<11-01587.txt>>

Sent from my BlackBerry® smartphone with Nextel Direct Connect

originally Jim 5/16/11 Tom Texling Con Ed (212) 460-3770 unananifesded waste incident Soil Van Mess Facility in Bronz service center For trucks old RR repair Facility no con Ed electrical equipment area was blacktopped - they
promoved black top

7 solloffs generated

1 solloff was > 50 ppm

2 geabs > 88, 228 ppm

probably Historic 5-10-11 to PCBIOSF > 2 Still at Clean Earth

PCBIOSF | A Still at Clean Earth

1 still at Con Ed sending RB ROlloFF to model City

cleam Earth sampled + notified con Ed 0~ 5-13-11 mill be sampling any comes off

analytical perults e manifest to model City
when it goes 5/19 Tom Texling Con Ed talk to Jim Haklar can he send me documents a week From Freiday? thatis a long time sconer is better never a problem before I'd reather have them now